

May 28, 2009

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker  
Clerk of Court

FOR THE TENTH CIRCUIT

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FREEPORT-MCMORAN COPPER &  
GOLD; PHELPS DODGE  
CORPORATION; CYPRUS AMAX  
MINERALS COMPANY; BLACKWELL  
ZINC COMPANY, INC.,

Petitioners,

v.

BOB COFFEY; LORETTA CORN;  
LARRY JONES; MARY ELLEN JONES;  
JOHN DOE, and all those similarly  
situated; AMAX, INC., f/k/a American  
Metal Company; BLACKWELL  
INDUSTRIAL AUTHORITY; BNSF  
RAILWAY COMPANY, f/k/a Burlington  
Northern Santa Fe Railway Company,

Respondents.

No. 09-702  
(D.C. No. 5:08-CV-00640-HE)  
(W.D. Okla.)

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**ORDER**

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The court having granted the opposed “Petition for Permission to Appeal Under 28 U.S.C. § 1453(c), the court further directs as follows.

The clerk shall open a new appellate docket and the appeal will proceed forward.

The parties and the district court will be notified of the new appellate case number assigned.

The clerk of the U.S. District Court for the Western District of Oklahoma shall prepare the record and shall, at the earliest possible moment, issue a notice of record completion. Time is of the essence, because unless the court and parties agree otherwise, the appeal must be briefed and decided within 60 days. See 28 U.S.C § 1453(c)(2), (3).

The parties shall, within ten days from the date of this order, file their entries of appearance in the new appeal. Also within ten days from the date of this order, the appellants shall pay the filing and docketing fee into the U.S. District Court for the Western District of Oklahoma, shall file a docketing statement with this court, and shall file a transcript order form with the district court and serve a copy on this court (even if no transcript is requested). See Tenth Cir. R. 10.1(A)(2).

The appellants shall select a representative who can speak on their behalf and the appellees shall select a representative to speak on their behalf. These representatives shall contact the court's chief deputy clerk at 303-844-5035 on or before Friday, May 29, 2009. The representatives will be asked to work with the court to establish a briefing schedule and a schedule for decision.

Entered for the Court,  
ELISABETH A. SHUMAKER  
Clerk of Court



by:  
Douglas E. Cressler  
Chief Deputy Clerk